

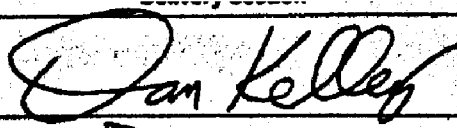


Date Produced: 04/03/2023

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THE COURT OF COMMON PLEAS, CIVIL DIVISION  
CUYAHOGA COUNTY, OHIO

Clerk of Courts | The Justice Center | 1200 Ontario Street 1st Floor, Cleveland, Ohio 44113

ADISBEL ZEDA  
Plaintiff

CASE NO. CV23976814

JUDGE ANDREW J. SANTOLI

V.

THE CLEVELAND CLINIC FOUNDATION, ET AL  
Defendant

**SUMMONS**

SUMC CM

Notice ID: 50169867



From: ADISBEL ZEDA P1  
5000 BEHRWALD AVENUE  
CLEVELAND OH 44144

Atty.: TAUREAN J. SHATTUCK  
25825 SCIENCE PARK DRIVE STE 200  
BEACHWOOD, OH 44122-0000

To: THE CLEVELAND CLINIC FOUNDATION D1  
NAT. GEN. MAN. CORP C/O CT CORP SYS  
4400 EASTON COMMONS WAT STE 125  
COLUMBUS OH 43219-0000

**NOTICE TO THE DEFENDANT:**

The Plaintiff has filed a lawsuit against you in this Court. You are named as a defendant. A copy of the **Complaint** is attached.

If you wish to respond to the Complaint, you must deliver a written **Answer** to the Plaintiff's attorney (or the Plaintiff if not represented by an attorney) at the above address *within 28 days* after receiving this Summons (not counting the day you received it). A letter or a phone call will not protect you. Civil Rule 5 explains the ways that you may deliver the **Answer** (<http://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf>)

You must also file a copy of your **Answer** with this Court within 3 days *after* you serve it on the Plaintiff. You can file your **Answer** with the Clerk of Courts by one of the following methods: 1) In-person or by mail at the above address or 2) electronically through the online e-Filing system. For more information on using the e-Filing system, visit <http://coc.cuyahogacounty.us/en-US/efiling.aspx>.

If you fail to serve *and* file your **Answer**, you will lose valuable rights. The Court will decide the case in favor of the Plaintiff and grant the relief requested in the **Complaint** by entering a default judgment against you.

You may wish to hire an attorney to represent you. Because this is a civil lawsuit, the Court cannot appoint an attorney for you. If you need help finding a lawyer, contact a local bar association and request assistance.



Nailah K. Byrd  
Clerk of Court of Common Pleas  
216-443-7950

Date Sent: 03/23/2023

By \_\_\_\_\_  
Deputy



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**New Case Electronically Filed: COMPLAINT**  
**March 21, 2023 11:50**

By: TAUREAN J. SHATTUCK 0097364

Confirmation Nbr. 2806988

ADISBEL ZEDA

CV 23 976814

vs.

THE CLEVELAND CLINIC FOUNDATION, ET AL

**Judge:** ANDREW J. SANTOLI

**Pages Filed:** 13

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

ADISBEL ZEDA  
5000 Behrwald Avenue  
Cleveland, Ohio 44144

Plaintiff,

v.

THE CLEVELAND CLINIC FOUNDATION  
1730 West 25<sup>th</sup> Street  
Cleveland, Ohio 44113

**Serve also:**

National General Management Corp.  
c/o CT Corporation System  
4400 Easton Commons Way  
Suite 125  
Columbus, Ohio 43219

-and-

ELLIE MCNAMARA  
c/o The Cleveland Clinic Foundation  
1730 West 25<sup>th</sup> Street  
Cleveland, Ohio 44113

-and-

JENNIFER SCHILL  
c/o The Cleveland Clinic Foundation  
1730 West 25<sup>th</sup> Street  
Cleveland, Ohio 44113

Defendants.

CASE NO.

JUDGE:

**COMPLAINT FOR DAMAGES  
AND REINSTATEMENT**

**JURY DEMAND ENDORSED  
HEREIN**

Plaintiff, Adisbel Zeda, by and through undersigned counsel, as her Complaint against the Defendants, states and avers the following:

**PARTIES AND VENUE**

1. Zeda is a resident of the city of Cleveland, county of Cuyahoga, state of Ohio.



2. The Cleveland Clinic Foundation (“Cleveland Clinic”) is a domestic corporation for non-profit that operated a business located at 1730 West 25<sup>th</sup> Street, Cleveland, Ohio 44113.
3. Cleveland Clinic was at all times hereinafter mentioned an employer within the meaning of Title VII of the Civil Rights Act (“Title VII”), 42 U.S.C. § 2000e *et seq.*
4. Cleveland Clinic was at all times hereinafter mentioned an employer within the meaning of R.C. § 4112.01 *et seq.*
5. Cleveland Clinic was at all times hereinafter mentioned an employer within the meaning of the Family and Medical Leave Act (“FMLA”), 29 U.S.C. § 2601 *et seq.*
6. Upon information and belief, Defendant Ellie McNamara is a resident of the state of Ohio.
7. McNamara made and/or participated in the adverse actions asserted herein.
8. Upon information and belief, Defendant Jennifer Schill is a resident of the state of Ohio.
9. Schill made and/or participated in the adverse actions asserted herein.
10. All of the material events alleged in this Complaint occurred in Cuyahoga County.
11. Within two years of the conduct alleged below, Zeda filed Charges of Discrimination with the Ohio Civil Rights Commission (“OCRC”), Charge Nos. CLEB4(47930)10052022, CLEE4(47931)10052022, and CLEE4(47932)10052022.
12. On or about January 12, 2023, the OCRC issued and mailed Notice of Right to Sue letters to Zeda regarding the Charges of Discrimination brought by Zeda.
13. Zeda received her Right to Sue letters from the OCRC in accordance with R.C. § 4112.052 – which has been attached hereto as Plaintiff’s Exhibit A, B, and C.
14. Zeda has properly exhausted her administrative remedies pursuant to R.C. § 4112.051.
15. Zeda has timely filed this Complaint within the relevant statute of limitations pursuant to R.C. § 4112.052.



16. Therefore, personal jurisdiction is proper over Defendants pursuant to R.C. § 2307.382(A)(1) and (4).
17. Venue is proper pursuant to Civ. R. 3(C)(3)&(6).
18. This Court is a court of general jurisdiction over the claims presented herein, including all subject matters of this Complaint.

### **FACTS**

19. Zeda is a female.
20. Zeda is a former employee of Cleveland Clinic.
21. Zeda began working for Cleveland Clinic on or around September 13, 2021.
22. Prior to September 13, 2021, Zeda had previously worked for Cleveland Clinic from approximately 2017 to 2020.
23. Cleveland Clinic employed Zeda as a clinical technician.
24. McNamara was Zeda's immediate supervisor.
25. During all material events asserted herein, McNamara has and/or had authority to hire, fire, and/or discipline employees.
26. McNamara did not participate in the decision to hire Zeda.
27. Schill was Zeda's immediate supervisor.
28. During all material events asserted herein, Schill has and/or had authority to hire, fire, and/or discipline employees.
29. Schill did not participate in the decision to hire Zeda.
30. On or around January 24, 2022, Zeda discovered that she was pregnant.
31. Zeda informed Defendants of her pregnancy.
32. Zeda had a due date of September 26, 2022, for her baby.



33. Defendants are subject to the provisions of the FMLA.
34. As of January 24, 2022, Zeda qualified for protected leave under the FMLA.
35. As of January 24, 2022, Zeda worked for Defendants for at least 12 months.
36. As of January 24, 2022, Zeda had at least 1,250 hours of service for Defendants during the previous 12 months.
37. As of January 24, 2022, Zeda was entitled to utilize FMLA leave for pregnancy-related issues.
38. During February 2022, Zeda missed multiple days of work from pregnancy-related issues (“February Pregnancy Absences”).
39. The request for leave for the February Pregnancy Absences was a reasonable accommodation request related to Zeda’s pregnancy.
40. Following each February Pregnancy Absences, Zeda informed Defendants that her absences were due from pregnancy-related issues.
41. Following each February Pregnancy Absences, Defendants issued Zeda attendance infractions.
42. Following each February Pregnancy Absences, Defendants failed to inform Zeda about her rights under the FMLA.
43. During March 2022, Zeda missed multiple days of work from pregnancy-related issues (“March Pregnancy Absences”).
44. The request for leave for the March Pregnancy Absences was a reasonable accommodation request related to Zeda’s pregnancy.
45. Following each March Pregnancy Absences, Zeda informed Defendants that her absences were due from pregnancy-related issues.
46. Following each March Pregnancy Absences, Defendants issued Zeda attendance infractions.



47. Following each March Pregnancy Absences, Defendants failed to inform Zeda about her rights under the FMLA.
48. On or around April 4, 2022, Zeda passed out while she was working and had to go to the emergency room in the same building that she worked (“April Emergency Room Visit”).
49. The April Emergency Room Visit was caused by pregnancy-related issues.
50. Defendants were aware of the April Emergency Room Visit because Zeda’s team lead took her down to the emergency room.
51. During the April Emergency Room Visit, Zeda’s physician ordered her to go home and stay home for a few days to rest.
52. Following the April Emergency Room Visit, Zeda called off the next day, informing Defendants of her physician’s orders.
53. Calling off the next day was a request for reasonable accommodations for pregnancy-related issues.
54. Following the April Emergency Room Visit, Defendants issued Zeda attendance infractions.
55. Following the April Emergency Room Visit, Defendants failed to inform Zeda about her rights under the FMLA.
56. During April 2022, Zeda missed multiple days of work from pregnancy-related issues (“April Pregnancy Absences”).
57. The request for leave for the April Pregnancy Absences was a reasonable accommodation request related to Zeda’s pregnancy.
58. Following each April Pregnancy Absences, Zeda informed Defendants that her absences were due from pregnancy-related issues.
59. Following each April Pregnancy Absences, Defendants issued Zeda attendance infractions.





60. Following each April Pregnancy Absences, Defendants failed to inform Zeda about her rights under the FMLA.

61. On or around April 29, 2022, Defendants terminated Zeda's employment.

62. Defendants terminated Zeda's employment because of her pregnancy.

63. Defendants' termination of Zeda's employment interfered with her ability to utilize her rights under the FMLA.

**COUNT I: GENDER DISCRIMINATION IN VIOLATION OF 42 U.S.C. § 2000e et seq.**

64. Zeda restates each and every prior paragraph of this Complaint, as if it were fully restated herein.

65. Zeda is a member of a statutorily protected class based on her gender and pregnancy under 42 U.S.C. § 2000e et seq.

66. Defendants treated Zeda differently than other similarly situated employees based on her gender and pregnancy.

67. Defendants discriminated against Zeda on the basis of her gender and pregnancy throughout her employment with the company.

68. Defendants terminated Zeda's employment without just cause.

69. Defendants terminated Zeda's employment based on her gender and pregnancy.

70. Defendants' discrimination against Zeda based on her gender and pregnancy violates 42 U.S.C. § 2000e et seq.

71. Zeda suffered emotional distress as a result of Defendants' conduct, and is entitled emotional distress damages pursuant to 42 U.S.C. § 2000e et seq.

72. As a direct and proximate result of Defendants' conduct, Zeda suffered and will continue to suffer damages, including economic and emotional distress damages.



**COUNT II: GENDER DISCRIMINATION IN VIOLATION OF R.C. § 4112.01 et seq.**

73. Zeda restates each and every prior paragraph of this Complaint, as if it were fully restated herein.
74. Zeda is a member of a statutorily protected class based on her gender and pregnancy under R.C. § 4112.01 *et seq.*
75. Defendants treated Zeda differently than other similarly situated employees based on her gender and pregnancy.
76. Defendants discriminated against Zeda on the basis of her gender and pregnancy throughout her employment with the company.
77. Defendants terminated Zeda's employment without just cause.
78. Defendants terminated Zeda's employment based on her gender and pregnancy.
79. Defendants' discrimination against Zeda based on her gender and pregnancy violates R.C. § 4112.01 *et seq.*
80. Zeda suffered emotional distress as a result of Defendants' conduct, and is entitled emotional distress damages pursuant to R.C. § 4112.01 *et seq.*
81. As a direct and proximate result of Defendants' conduct, Zeda suffered and will continue to suffer damages, including economic and emotional distress damages.

**COUNT III: UNLAWFUL INTERFERENCE WITH FMLA RIGHTS**

82. Zeda restates each and every prior paragraph of this Complaint, as if it were fully restated herein.
83. Pursuant to 29 U.S.C. § 2601 *et seq.*, covered employers are required to provide employees job-protected unpaid leave for qualified medical and family situations.
84. Defendants are subject to the provisions of the FMLA.



85. As of January 24, 2022, Zeda qualified for protected leave under the FMLA.
86. As of January 24, 2022, Zeda worked for Defendants for at least 12 months.
87. As of January 24, 2022, Zeda had at least 1,250 hours of service for Defendants during the previous 12 months.
88. As of January 24, 2022, Zeda was entitled to utilize FMLA leave for pregnancy-related issues.
89. Defendants failed to properly advise Zeda of his rights under the FMLA.
90. Defendants unlawfully interfered with Zeda's exercise of her rights under the FMLA in violation of Section 105 of the FMLA and section 825.220 of the FMLA regulations.
91. Defendants' act of writing Zeda up for absences that would have qualified for FMLA leave violated and interfered with Zeda's FMLA rights.
92. As a direct and proximate result of Defendants' conduct, Zeda is entitled to all damages provided for in 29 U.S.C. § 2617, including liquidated damages, costs and reasonable attorney's fees.

**DEMAND FOR RELIEF**

WHEREFORE, Zeda demands from Defendants the following:

- (a) Issue an order requiring Defendants to restore Zeda to one of the positions to which she was entitled by virtue of her application and qualifications, and expunge her personnel file of all negative documentation;
- (b) An award against each Defendant of compensatory and monetary damages to compensate Zeda for lost wages, emotional distress, and other consequential damages, in an amount in excess of \$25,000 per claim to be proven at trial;
- (c) An award of punitive damages against each Defendant in an amount in excess of \$25,000;



- (d) An award of reasonable attorneys' fees and non-taxable costs for Zeda's claims as allowable under law;
- (e) An award of the taxable costs of this action; and
- (f) An award of such other relief as this Court may deem necessary and proper.

Respectfully submitted,

/s/ Taurean J. Shattuck

Taurean J. Shattuck (0097364)

**SPITZ, THE EMPLOYEE'S LAW FIRM**

25825 Science Park Drive, Suite 200

Beachwood, OH 44122

Phone: (216) 291-4744

Fax: (216) 291-5744

Email: [Taurean.Shattuck@spitzlawfirm.com](mailto:Taurean.Shattuck@spitzlawfirm.com)

*Attorney For Plaintiff*



**JURY DEMAND**

Plaintiff Adisbel Zeda demands a trial by jury by the maximum number of jurors permitted.

/s/ Taurean J. Shattuck

Taurean J. Shattuck (0097364)

**SPITZ, THE EMPLOYEE'S LAW FIRM**



## OHIO CIVIL RIGHTS COMMISSION

**Board of Commissioners:**

Lori Barreras – Chair  
 William W. Patmon, III  
 Madhu Singh  
 J. Rita McNeil Danish  
 Charlie Winburn



Angela Phelps-White,  
 Executive Director

**Charging Party,**

Adisbel Zeda

v.

**Respondent,**

The Cleveland Clinic Foundation

**Charge No.** CLEB4(47930)10052022  
 22A-2023-00410

## NOTICE OF RIGHT TO SUE

Pursuant to Ohio Revised Code 4112.051, you may file a civil action against the Respondent(s) alleging a violation of Ohio Revised Code 4112. The lawsuit may be filed in any State of Ohio court that has jurisdiction over the matter. Ohio Revised Code 4112.052 and 4112.14 provides that such a civil action must be filed within two years after the date of the alleged discriminatory practice. The time period to file a civil action is tolled during the pendency of the Commission investigation. You are advised to consult with an attorney to determine with accuracy the date by which a civil action must be filed. NOTE: If you request reconsideration of the Commission's determination, this NOTICE OF RIGHT TO SUE will be vacated. FOR FEDERAL COURT FILINGS: Notices of Right to Sue under federal law will be issued by the EEOC.

## FOR THE COMMISSION

**Vera F. Boggs**

Vera F. Boggs  
 Cleveland Regional Director  
 615 W. Superior Ave., Suite 885  
 Cleveland, OH 44113  
 (216) 787-3150

Date mailed: January 12, 2023

## OHIO CIVIL RIGHTS COMMISSION

**Board of Commissioners:**

Lori Barreras – Chair  
 William W. Patmon, III  
 Madhu Singh  
 J. Rita McNeil Danish  
 Charlie Winburn



Angela Phelps-White,  
 Executive Director

**Charging Party,**

Adisbel Zeda

v.

**Respondent,**

Ellie McNamara

**Charge No.** CLEE4(47931)10052022  
 22A-2023-00412

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 Madhu Singh  
 J. Rita McNeil Danish  
 Charlie Winburn



Angela Phelps-White,  
 Executive Director

**Charging Party,**

Adisbel Zeda

v.

**Respondent,**

Jennifer Schill

Charge No. CLEE4(47932)10052022  
 22A-2023-00413

**NOTICE OF RIGHT TO SUE**

Pursuant to Ohio Revised Code 4112.051, you may file a civil action against the Respondent(s) alleging a violation of Ohio Revised Code 4112. The lawsuit may be filed in any State of Ohio court that has jurisdiction over the matter. Ohio Revised Code 4112.052 and 4112.14 provides that such a civil action must be filed within two years after the date of the alleged discriminatory practice. The time period to file a civil action is tolled during the pendency of the Commission investigation. You are advised to consult with an attorney to determine with accuracy the date by which a civil action must be filed. NOTE: If you request reconsideration of the Commission's determination, this NOTICE OF RIGHT TO SUE will be vacated. FOR FEDERAL COURT FILINGS: Notices of Right to Sue under federal law will be issued by the EEOC.

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Date mailed: January 12, 2023